

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

JUNE 7, 2017

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.**

CLOSED SESSION MEETING CALL TO ORDER

Mayor Dedina called the Closed Session meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present: West, Patton, Spriggs (arrived at 5:01 p.m.)
Councilmembers absent: None
Mayor Pro Tem Present: Bragg
Mayor Present: Dedina
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Kelly, Assistant
City Manager Dush, Human Resources Manager Cortez

CLOSED SESSION (1-3)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) (2 cases)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(a)

Name of Case: City of Imperial Beach V. San Diego County Local Area Formation
Commission, City of Coronado, United States of America; United States
Navy and Does 1 Through XX, Inclusive

Case No. : United States District Court Case No. 3:16-cv-03020-CAB-WVG

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6:

Agency Designated Representatives: City Manager, City Attorney, Assistant City Manager,
Human Resources Manager, Administrative Services Director

Employee Organization: Service Employees International Union (SEIU), Local 221
Unrepresented Employees
Mid-Management
Management

ADJOURN CLOSED SESSION

Mayor Dedina adjourned the meeting to Closed Session at 5:00 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council met on Closed Session Item No. 1 for one case and the City Council voted unanimously to initiate litigation. The particulars of the matter can be provided when the case is filed. The other case under Closed Session Item No. 1 was not discussed. Under Closed Session Item No. 2 she was recused from the item due to a potential conflict of interest related to her law firm. Closed Session Item No. 3 was continued until after the open session meeting.

Reporting out of Closed Session, City Manager Hall announced City Council discussed Closed Session Item No. 2, direction was given and no reportable action was taken.

REGULAR MEETING CALL TO ORDER

Mayor Dedina called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present: West, Patton, Spriggs
Councilmembers absent: None
Mayor Pro Tem Present: Bragg
Mayor Present: Dedina
Staff Present: City Manager Hall, Deputy City Attorney Lyon, City Clerk Kelly, Assistant City Manager Dush, Administrative Services Director Bradley, Assistant Public Works Director Helmer, Fire Chief French, City Planner Foltz, Management Analyst Veal

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Claire and Bridget Dermody, two of the eleven grandchildren of former Public Works Director Hank Levien.

AGENDA CHANGES

Councilmember Spriggs requested Item No. 2.5 be pulled from the Consent Calendar for the purpose of expressing support of the item and to alleviate rumors about what is going on at the site.

MOTION BY SPRIGGS, SECOND BY PATTON, TO TAKE ITEM NO. 2.5 – RESOLUTION 2017-7819 CONSENTING TO IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY TO FACILITATE OUTDOOR DINING FOR THE BRIGANTINE AT 919 SEACOAST DRIVE (APN 625-351-27-12) AND AUTHORIZING RELATED ACTIONS, OFF THE CONSENT CALENDAR FOR DISCUSSION AT THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

MOTION BY PATTON, SECOND BY WEST, TO TAKE ITEM 5.4 – CONSIDERATION OF RELINQUISHMENT OF STATE ROUTE 75 (SR 75), IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Spriggs reported on his appearance with Mike McCoy on Union Tribune Radio to talk about how the President's proposed budget cuts would affect the Estuary in Imperial Beach as well as the other National Estuarine Research Reserves throughout the Country and the need to restore and continue funding through fiscal year 2018. He also reported on his attendance at the SANDAG Shoreline Preservation Working Group meeting where there was a presentation on how the Netherlands is addressing sea level rise and at the IBWC Citizen's Forum where there was a large attendance of citizens who were interested in the cross border sewage issue. He noted that he is drafting a letter stating that the public is not happy with the response of the IBWC due to their lack of leadership and lack of proactive remedies to the situation. He also reported on his attendance at Sheriff Lt. Magaña's Café con la Comunidad.

Councilmember Patton reported on his attendance at the Memorial Day Observance Event, the Mar Vista High School Graduation and the South Bay Union School District Championships. He announced the I.B. Lifeguards recently hosted the Regional Lifeguard Academy and the Jr. Lifeguard Program begins on Monday.

Councilmember West reported on his and the Mayor's attendance at the Woman's Club Spring Luncheon, the Border to Bayshore Community meeting, and the Mar Vista High School Commencement. He announced Surfrider is hosting an Estuary benefit movie night and a cleanup event and there is a bike ride from the Pier to Bikeway Village on Global Wellness Day. He also announced the upcoming the Bayshore Biking Working Group meeting.

Mayor Pro Tem Bragg reported on her attendance at a joint meeting of the Regional Planning Group and the Transportation Committee, the Memorial Day Observance Event where Mark West was the speaker, and the Mar Vista High School Graduation. She commended Mayor Dedina on the speech he gave at the Mar Vista High School Graduation.

Mayor Dedina commended Councilmember Spriggs on managing the IBWC meeting and Councilmember West on his speech at the Memorial Day Observance Event. He celebrated World Environment Day in Tijuana at the invitation of their Mayor where he had the opportunity to talk about water quality with Mexican federal, state and local officials. He also reported on protest activities of residents in Mexico because they have no water and for sewage on the streets and beaches. He also reported on an upcoming meeting he will have with various U.S. and Mexican agencies regarding the sewage issue. He also reported there is a sign-on letter for all Mayors in San Diego County that will be sent to Congressional representatives asking for funding for sewer infrastructure upgrades and a second letter for South County Mayors and officials to sign asking the IBWC to put in a detention basin on this side of U.S. side of the border.

COMMUNICATIONS FROM CITY STAFF

City Manager Andy Hall expressed appreciation for Hank Levien's service to the City of Imperial Beach.

PUBLIC COMMENT

June Engel thanked Hank Levien for his service and acknowledged his dedication to the Boy Scouts. She spoke about the Library's successful first month of operation, noting that 31,258 people have come through the doors. She announced the Public Safety Chili Cook-off is on July 26.

Bonnie Riley expressed concern about not being able to park on 13th Street between the hours of 2:00 a.m. and 5:00 a.m.

PRESENTATIONS (1.1)

1.1 RECOGNITION OF HANK LEVIEN FOR 23 YEARS OF SERVICE TO THE CITY OF IMPERIAL BEACH. (0410-30)

The following speakers recognized Hank Levien for his 23 years of service to the City of Imperial Beach: Victor Avina, representing County Supervisor Greg Cox; U.S. Navy Commander Dan Cook, Public Works Officer, representing Captain Scott Mulvehill; Port Commissioner Dan Malcolm; Chris Brown, Vice President of the South Bay Union School District; former Mayor Diane Rose; Former City Manager Gary Brown; Ron Powell, Port District; Steve South, EDCO; Esteen Lenyon, Sudberry Properties; Frank Urtasun, former Port Commissioner.

Assistant Public Works Director Helmer highlighted major projects completed by Hank Levien.

Mayor Dedina, along with members of the City Council recognized Hank Levien for his 23 years of service to the City of Imperial Beach as Public Works Director.

CONSENT CALENDAR (2.1-2.4 AND 2.6-2.9)

Ginger Sacco, representing Stop the Poop, spoke about their ongoing efforts to address the sewage issue.

Barron Partlow, representing Tijuana River Valley Outreach and Stop the Poop, spoke about their efforts to have IBWC officials Ed Drusina and Steve Smullen removed. He also spoke about their efforts to address the sewage issue.

MOTION BY SPRIGGS, SECOND BY WEST, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4 AND 2.6 THROUGH 2.9. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

City Council approved the Regular Meeting Minutes of April 19, 2017, May 3, 2017 and May 17, 2017 and the Special Meeting Minutes of April 19, 2017 and May 11, 2017.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Council ratified the warrant register.

2.3 RESOLUTION 2017-7812 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER. (0150-40 & 0210-26)

City Council adopted Resolution No. 2017-7812.

2.4 RESOLUTION NO. 2017-7817 DECLARING THE CONTINUATION OF THE EMERGENCY REPAIR TO WIT: 500 BLOCK BONITO AVENUE SEWER MAIN UPSIZE. (0830-10)

City Council adopted Resolution No. 2017-7817.

2.6* NOTIFICATION OF TRAVEL: COUNCILMEMBER SPRIGGS IS PLANNING TO ATTEND THE LEAGUE OF CALIFORNIA CITIES' HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT POLICY COMMITTEE MEETING IN SACRAMENTO, ON JUNE 8, 2017. (0410-60)

2.7 TIME EXTENSION FOR A REGULAR COASTAL PERMIT (CP 060434), TENTATIVE MAP (TM 060435), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES 15301K (EXISTING FACILITIES) FOR THE SEPARATION OF EIGHT (8) SHOPKEEPER UNITS INTO SIXTEEN (16) SEPARATE CONDOMINIUM OWNERSHIP UNITS AT 700-708 SEACOAST DRIVE (APNs 625-181-13-01 THRU 625-181-13-08), IN THE C/MU-2 (SEACOAST COMMERCIAL & MIXED-USE) ZONE. MF 882 (REF. MF 381; MF 435; MF 491). (0600-20)

City Council adopted Resolution 2017-7818 approving a time extension request for the shopkeeper condominium subdivision project at 700-708 Seacoast Drive, as the condominium conversion objectives and policies have not changed since the original approval in 2008.

2.8 ADOPT RESOLUTION NO. 2017-7810 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SOUTHWESTERN COMMUNITY COLLEGE DISTRICT FOR AN INTERNSHIP PROGRAM. (0560-30)

City Council adopted Resolution No. 2017-7810.

2.9 ADOPT RESOLUTION NO. 2017-7809 APPROVING AND RATIFYING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEENAN & ASSOCIATES TO MARKET CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT (CALPERS) MEDICAL PLANS. (0520-50)

City Council adopted Resolution No. 2017-7809.

REPORTS (5.4)

5.4 CONSIDERATION OF RELINQUISHMENT OF STATE ROUTE 75 (SR 75). (0600-20)

Assistant City Manager Dush reviewed the history of the item and asked City Council to consider why the City would want SR 75 and if the City can afford the financial and legal responsibility for SR 75.

Paul Marra, with Keyser Marston and Associates, gave a Power Point presentation on the Cost/Benefit Analysis of relinquishing SR 75. He spoke about the existing conditions with having Caltrans maintain responsibility of SR 75 including delays in development/construction, the inability to implement the Palm Avenue Master Plan, minimal roadway maintenance and improvements, a focus on motorists rather than other modes, and a cumbersome permitting process. He noted that with relinquishment of SR 75 the City would benefit by being able to

control signals and speed limits, having flexibility with street design, the ease of implementing landscape and beautification projects, full implementation of the Palm Avenue Master Plan and increase to the City tax revenues with accelerated development.

In response to questions of Councilmember Spriggs, Assistant City Manager Dush reviewed the various funding mechanisms for implementation of the Palm Ave. Master Plan including the relinquishment of SR 75, grants, development applications, and improvement districts. He also explained that through a series of negotiations and evaluation of the conditions with Caltrans, \$5.3M is the amount needed to bring the road to a ready state of roadway. Additionally, the \$5.3M can be used as leverage for matching grant funds for improvements such as sidewalks, crosswalks, and landscaping.

Paul Marra explained the tax revenue impacts. He noted that in the last 5 years City sales tax citywide has gone up 4.2% on average per year. The sales tax along SR 75 is flat at -.1%.

Councilmember Patton spoke in support of relinquishment of SR 75 and he requested a timeline on how to spend the \$5.3M.

City Manager Hall responded the \$5.3M will be maximized and leveraged in the most efficient way possible to make it grow so the road can be maintained in the long-term.

Mayor Pro Tem Bragg noted that that this is about land use control for Imperial Beach, it is hard to do business with Caltrans, and businesses have walked away from projects because of dealings with Caltrans. She stressed the importance of adhering to the master plan as development comes forward.

Assistant City Manager Dush spoke about the City of San Diego's interest in doing a similar relinquishment process of their section of SR 75. Imperial Beach staff met with their counterparts in San Diego on coordinating a seamless transition and he also mentioned that the City of Coronado is considering relinquishment as well.

Councilmember West commented on the difficulties Sudberry has experienced in dealing with Caltrans. He also stated that SR 75 separates the City, people cannot cross the road, and he spoke in support for relinquishment.

Mayor Dedina commented on how our economic corridor is actually losing value while the rest of the City, state and nation is experiencing economic growth. He also stated that having the State control the route is a disincentive to investment, job creation, the ability to grow business, and produce revenues.

Councilmember Spriggs stated that relinquishment makes sense overall based on the analysis presented tonight. He commented on prior City Council's experience with Caltrans staff and their resistance to lowering the speed limits. He spoke about the need to focus on economic development and what will stimulate investments in the corridor such as reconsideration of zoning and rules for consolidating small lots. He commented that the \$5.3M should not be in the General Fund at/near negative inflation rates. He suggested creation of a special fund and to avoid the conservative policies that have resulted in inflation being higher than our rate of return on the General Fund cash balance.

MOTION BY SPRIGGS, SECOND BY WEST, TO AUTHORIZE THE CITY MANAGER TO PURSUE THE RELINQUISHMENT PROCESS WITH THE NECESSARY ENTITIES INCLUDING BUT NOT LIMITED TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) WITH THE OBJECTIVE OF HAVING SR 75 RELINQUISHED. MOTION CARRIED UNANIMOUSLY.

ORDINANCES/INTRODUCTION & FIRST READING (3)

None.

Mayor Dedina left Council Chambers at 8:12 p.m.

PUBLIC HEARINGS (4.1)

4.1 RESOLUTION NO. 2017-7813 ADOPTING AN AMENDMENT TO THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2017 THROUGH 2021. (0680-80)

Mayor Pro Tem Bragg declared the Public Hearing open.

Assistant Public Works Director Helmer gave a PowerPoint presentation on the item.

City Clerk Kelly announced no speaker slips were submitted.

Without dissent from City Council, Mayor Pro Tem Bragg closed the Public Hearing.

MOTION BY SPRIGGS, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7813 AUTHORIZING CITY STAFF TO SUBMIT ATTACHMENT 2 OF THE STAFF REPORT TO SANDAG DESIGNATING THE STREET SEGMENTS ELIGIBLE FOR STREET RESURFACING AND ADA/PEDESTRIAN/BICYCLE IMPROVEMENTS BETWEEN FISCAL YEARS 2017 THROUGH 2021 USING THE REVENUES FROM THE TRANSNET LOCAL STREET AND ROADS FUND. MOTION CARRIED BY THE FOLLWOIG VOTE:

AYES:	COUNCILMEMBERS:	SPRIGGS, PATTON, WEST, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	DEDINA

Councilmember Spriggs left Council Chambers at 8:15 p.m.

REPORTS (5.1-5.3)

5.2 RESOLUTION NO. 2017-7814 AWARDING PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE BICENTENNIAL TRIANGLE LANDSCAPE IMPROVEMENTS PROJECT (P16-302) AND APPROPRIATING AN ADDITIONAL \$218,021 FROM UNALLOCATED RTCIP FUNDS TO THE PROJECT BUDGET. (0920-60)

Assistant Public Works Director Helmer gave a PowerPoint presentation on the item and responded to questions of City Council regarding why contractors did not bid on the project noting that the contractors did not want to do landscaping work and there wasn't interest. He also stated that the Camino Real Bell will be retained and the bus stop will be relocated as part of the Palm Ave. Master Plan.

City Manager Hall clarified that RTCIP funds can only be used on SR 75 and this is the only project that is eligible. He noted that costs were higher than expected due to drip irrigation, the desire for mature trees, and installation of electricity.

Mayor Pro Tem Bragg stated this project compliments the 9th and Palm Project and that an underutilized area will become a gathering spot.

MOTION BY BRAGG, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7814 AWARDING PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE BICENTENNIAL TRIANGLE LANDSCAPE IMPROVEMENTS PROJECT (P16-302) AND APPROPRIATING AN ADDITIONAL \$218,021 FROM UNALLOCATED RTCIP FUNDS TO THE PROJECT BUDGET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	PATTON, WEST, BRAGG, DEDINA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	SPRIGGS

5.1 RESOLUTION NO. 2017-7816 AWARDED PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE EIGHT-ALLEY PAVING PROJECT (S16-901) AND APPROPRIATING AN ADDITIONAL \$233,000 FROM UNALLOCATED GAS TAX FUNDS TO THE PROJECT BUDGET. (0720-08)

Assistant Public Works Director Helmer gave a PowerPoint presentation on the item.

Mayor Dedina shared positive comments about how paving the alleys help improve the community and the lives of residents by reducing storm water issues and improving access.

MOTION BY PATTON, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2017-7816 AWARDED PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE EIGHT-ALLEY PAVING PROJECT (S16-901) AND APPROPRIATING AN ADDITIONAL \$233,000 FROM UNALLOCATED GAS TAX FUNDS TO THE PROJECT BUDGET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	PATTON, WEST, BRAGG, DEDINA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	SPRIGGS

5.3 RESOLUTION NO. 2017-7815 AWARDED PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE SPORTS PARK TOT-LOT PROJECT (P15-402) AND APPROPRIATING AN ADDITIONAL \$100,000 TO THE PROJECT BUDGET. (0920-40)

Assistant Public Works Director Helmer gave a PowerPoint presentation on the item and he responded to questions of City Council regarding the notable enhancements and features.

MOTION BY BRAGG, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7815 AWARDED PUBLIC WORKS CONTRACT FOR CONSTRUCTION OF THE SPORTS APRK TOT-LOT PROJECT (P15-402) AND APPROPRIATING AN ADDITIONAL \$100,000 TO THE PROJECT BUDGET. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	PATTON, WEST, BRAGG, DEDINA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	SPRIGGS

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (2.5)

2.5 RESOLUTION 2017-7819 CONSENTING TO IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY TO FACILITATE OUTDOOR DINING FOR THE BRIGANTINE AT 919 SEACOAST DRIVE (APN 625-351-27-12) AND AUTHORIZING RELATED ACTIONS. (0600-20)

City Manager Hall explained Councilmember Spriggs pulled the item for discussion because he wanted to put some rumors to rest about what wasn't going into the building, he also wanted to welcome the Brigantine Restaurant to Imperial Beach and express his support.

City Manager Dush gave a report on the item and showed a drawing and pictures of the the improvements that will be made in the right-of-way.

In response to questions of City Council, Matt Morton explained concrete planters containing succulents will be located in the area, the dining concept would be the same as the lounge-side of Brigantine restaurants yet feature some of their dining room menu items and there will be an indoor/outdoor concept with full service.

Mayor Pro Tem Bragg visited the site and noted the necessity for a glass wall to make it more hospitable as a dining area.

Mayor Dedina spoke about the strong winds that occur in the area and spoke in support of the item.

MOTION BY BRAGG, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7819 AUTHORIZING THE CITY MANAGER, OR DESIGNEE THEREOF, TO EXECUTE ALL DOCUMENTS AND TAKE ANY ACTIONS NECESSARY AND APPROPRIATE TO CARRY OUT THE LICENSE AGREEMENT AND ENCROACHMENT PERMIT FOR 919 SEACOAST DRIVE (APN 625-351-27-12) FOR THE BRIGANTINE RESTAURANT. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	PATTON, WEST, BRAGG, DEDINA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	SPRIGGS

ADJOURN REGULAR MEETING

Mayor Dedina adjourned the Regular Meeting at 8:49 p.m.

CLOSED SESSION (3)

Mayor Dedina adjourned the meeting to Closed Session at 8:49 p.m. and he reconvened the meeting to Open Session at 9:19 p.m.

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6:

Agency Designated Representatives: City Manager, City Attorney, Assistant City Manager, Human Resources Manager, Administrative Services Director

Employee Organization: Service Employees International Union (SEIU), Local 221
Unrepresented Employees
Mid-Management
Management

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Item No. 3, direction was given and no reportable action was taken.

ADJOURN CLOSED SESSION

Mayor Dedina adjourned the Closed Session Meeting at 9:20 p.m.

_____/s/
Serge Dedina,
Mayor

_____/s/
Jacqueline M. Kelly, MMC
City Clerk